



Memorandum

To: Planning and Economic Development Committee
Via: Gary Jackson, City Manager
From: Scott Shuford, Planning and Development Director
Subject: Level III Threshold Adjustments; Next Steps
CC: Bob Oast, City Attorney
Date: February 14, 2007

Level III Threshold Adjustments

The first part of this memorandum transmits a revised draft ordinance concerning Level III project threshold adjustments to the PED Committee for discussion and direction to staff.

The following are changes from the immediate prior draft that staff would like to highlight for Committee consideration.

1. Use of LEED and Healthy Built Certification – Given concern about verification and compliance with LEED and Healthy Built standards, this draft separates out components of those standards that could be made part of the initial review process. This approach will not require staff to rely on outside party post-construction inspection to verify that the standards projected by the developer are met.

2. Verification requirements of different menu components – Staff has identified initial review and documentation components and procedures that can be verified prior to construction.

3. Exemption of certain projects in design review areas – Pursuant to Committee direction, exemptions have been dropped and compliance with design guidelines and the large retail structure checklist standards have been added as “base” requirements where applicable.

A draft copy of the Planning and Zoning staff report and ordinance is attached.

STAFF REPORT

TO: Planning and Zoning Commission **DATE:** _____(public hearing)

FROM: Scott Shuford, AICP, Planning and Development Director

SUBJECT: Zoning Ordinance Wording Amendment – to establish new Level III review threshold adjustments.

Summary Statement: The consideration of an amendment to Chapter 7 of the Code of Ordinances of the City of Asheville (UDO) to establish new Level III review threshold adjustments.

Background: This code amendment is in response to direction from City Council to develop an approach that would provide threshold adjustments for certain types of Level III projects that promote City goals and objectives.

This amendment would provide for increased review thresholds for developments that promote housing, environmentally-friendly construction, natural resource conservation, and transit goals.

Pros

- Provides developments that meet certain key City goals with review incentives.
- Streamlines the development review process.

Con

- Removes Planning and Zoning Commission and City Council review from certain types of developments.
- Requires additional staff review, follow-up and enforcement.

Recommendation: City staff recommends approval of the proposed code amendment.

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF ASHEVILLE TO ESTABLISH NEW LEVEL III SITE PLAN REVIEW THRESHOLD ADJUSTMENTS FOR DEVELOPMENTS MEETING CERTAIN STANDARDS.

WHEREAS, the City of Asheville has the authority pursuant to Part 3 of Article 19 of Chapter 160A of the North Carolina General Statutes, to adopt zoning regulations, to establish zoning districts and to classify property within its jurisdiction according to zoning district, and may amend said regulations and district classifications from time to time in the interest of the public health, safety and welfare; and

WHEREAS, certain developments receive heightened design review based on their location in specific zoning districts or local historic districts; and

WHEREAS, certain developments assist the city in meeting affordable housing, energy efficiency, natural resource conservation, and multimodal transportation goals; and

WHEREAS, such developments should be afforded opportunities to have a higher threshold for review under the Level III site plan review requirements; and

WHEREAS, this amendment has been reviewed for consistency with the City Smart Growth policies and found to be consistent;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

1. Section 7-5-9(a)(1) c. be created to read as follows:

c. Threshold adjustments. The following shall be used to apply threshold adjustments to the Level III site plan review requirements.

Level III Site Plan Threshold Adjustments	
Full compliance with the design requirements of the applicable design review district requirements for properties located in the Downtown CBD, local historic district(s), or areas subject to review by the River District Design Review Committee shall be a requirement for any threshold adjustments for developments in these areas. Additionally, projects receiving threshold adjustments shall also comply with the large retail structure checklist requirements for positive staff recommendations if applicable.	
Developments receiving a total of >50-75 points from the following table shall have a Level III threshold of 100 dwelling units for residential developments and/or 150,000 square feet of gross floor area for nonresidential developments.	Developments receiving a total of >75 points from the following table shall have a Level III threshold of 200 dwelling units for residential developments and/or 250,000 square feet of gross floor area for nonresidential developments.

Goal	Points
HOUSING	
Housing affordability - Points per each 10% of total units (maximum of 50 points); affordability must be sustained in accordance with City of Asheville “equity sharing” policy	
<ul style="list-style-type: none"> Affordable to <60% of local median income households Affordable to <80% of local median income households Affordable to 80-120% of local median income households 	<ul style="list-style-type: none"> 20 15 10
Smaller units unrestricted by affordability requirements - Points per each 10% of total units (maximum of 50 points)	
<ul style="list-style-type: none"> Units <450 square feet (sf) 1BR units <600 sf; 2BR units <850 sf; 3BR units <1000 sf 	<ul style="list-style-type: none"> 10 10
Mixed use development (50% to 75% of total project gross floor area is residential)	<ul style="list-style-type: none"> 25
NOTE: A maximum of 50 points can be achieved for any combination of housing affordability and smaller units categories. The mixed use category can be combined with either or both of the other two categories to achieve up to a maximum of 75 points.	
GREEN BUILDING (maximum of 50 points)	
<ul style="list-style-type: none"> Structured parking (minimum 50% reduction of land area required for parking) Green roof (at least 75% of total roof area) Re-use of materials (adaptive reuse of primary on-site structure; use of primary on-site structure for construction, including fill) Stormwater management best management practices (use of rain gardens, swales, and natural drainage-ways to achieve stormwater quantity storage and quality treatment significantly in excess of City requirements; requires approval by the city engineer of initial design and maintenance agreement) Energy conservation - Design the building project to comply with both the mandatory provisions (Sections 5.4, 6.4, 7.4, 8.4, 9.4 and 10.4) of ASHRAE/IESNA Standard 90.1-2004 (without amendments) and the prescriptive requirements (Sections 5.5, 6.5, 7.5 and 9.5) or performance requirements (Section 11) of ASHRAE/IESNA Standard 90.1-2004 (without amendments) (documentation required) 	<ul style="list-style-type: none"> 25 25 15 25 25
TRANSIT-ORIENTATION (maximum of 50 points)	
<ul style="list-style-type: none"> Provision of minor transit facility (e.g., transit shelter) Provision of major transit facility (e.g., transfer station) Contractual agreement with the City of Asheville to fund transit pass program for residents or employees for a minimum of five years 	<ul style="list-style-type: none"> 10 25 25
INFILL DEVELOPMENT(maximum of 50 points)	
<ul style="list-style-type: none"> Located in an area or areas designated on the City of Asheville Priority Places webpage Adaptive reuse of an historic structure 	<ul style="list-style-type: none"> 25 25
NATURAL AREA CONSERVATION	
Percent of site retained in natural state (NOTE: not cumulative)	
<ul style="list-style-type: none"> 20-30% 31-40% >40% 	<ul style="list-style-type: none"> 15 30 50

2. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid.
3. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.
4. This ordinance shall become effective upon adoption.

Read, approved, and adopted this _____ day of _____, 2007.

City Clerk

Mayor

Approved as to form:

City Attorney

Next Steps

The Committee has also asked what will be the method used to implement similar incentives for smaller scale projects. As staff moves through a revision of the UDO, we can establish density standards and new intensity standards using the concept of floor area ratio (FAR). By establishing a base density or FAR and providing incentives for increasing that density or FAR through compliance with various City goals, smaller projects can be included in this process. Examples are provided below. The timetable for this would correspond with changes to the zoning districts (consolidation, additional standards, reconsideration of permitted uses, etc.). Staff will review its draft proposals with the Committee once they are more fully developed later in 2007.

Urban Development Incentives (Mixed Use Districts)

Density Incentives

Density standards. Maximum residential density shall be 32 units per acre but may be increased up to a maximum of 48 units per acre if at least 25% of the total number of dwelling units meet City of Asheville affordability standards or at least 10% of the total number of dwelling units meet City of Asheville affordability standards and at least 25% of the total number of dwelling units contain 700 square feet or less of gross floor area.

Other Incentives

Community Incentive Table. In order to promote community goals of green building, mixed use development, and historic preservation, the following gross floor area and height incentives may be applied provided the requisite goals are met. For the purpose of applying this table, each incentive is available for each goal achieved (e.g., a building that has a green roof can take advantage of both the gross floor area incentive and the height incentive).

Community Incentive Table			
Incentives	Green Building	Mixed Use	Existing Historic Structures
Total gross floor area up to 48,000 square feet	Green Roof	Ground floor is 100% nonresidential and a minimum of 50% of the gross floor area of the upper floors are residential	Compatible adaptive reuse and/or additions to historic structures provided the architectural character of the principal structure, including fenestration (i.e., door and window openings), is maintained with regard to any facade that faces a street or is prominently visible from adjoining properties
Maximum four story height (max. height of 55 feet; min. 70% of total gross floor area above ground floor)	Green Roof	Ground floor is 100% nonresidential and a minimum of 50% of the gross floor area of the upper floors are residential	Compatible adaptive reuse and/or additions to historic structures provided the architectural character of the principal structure, including fenestration (i.e., door and window openings), is maintained with regard to any facade that faces a street or is prominently visible from adjoining properties

Suburban Development Incentives

Density Incentives

Residential density “bonuses” can be allowed to promote affordable housing. An example is provided below; the density allowance will vary based on the zoning district (e.g., the Commerce District would likely have a 24 unit per acre “base” density while the Office District would likely have a 16 unit per acre “base” density).

Density standards. Maximum residential density shall be __ units per acre but may be increased up to a maximum of __ units per acre if at least 25% of the total number of dwelling units meet City of Asheville affordability standards or at least 10% of the total number of dwelling units meet City of Asheville affordability standards and at least 25% of the total number of dwelling units contain 700 square feet or less of gross floor area.

Intensity Incentives

Floor Area Ratio (FAR) bonuses can be used to encourage developments that the City would like to see for nonresidential suburban development. An example is provided below (numbers used are for example only; more work is needed to get a precise recommendation).

Site Design	FAR	Building size (1 acre lot)
One-story building(s)	0.2	8,712
Multistory building(s)*	0.35	15,246
150% landscaping	0.3 (one-story)	13,068
	0.5 (multi-story)	21,780
Green roof	0.3 (one-story)	13,068
	0.5 (multi-story)	21,780
Mixed use (50% or more residential)	0.3 (one-story)	13,068
	0.5 (multi-story)	21,780
Structured parking (50% or more spaces)	0.3 (one-story)	13,068
	0.5 (multi-story)	21,780

Maximum Allowable FAR = 0.5

*40% or more of total building GFA provided on second floor for a 2-story building and 60% or more of total building GFA provided on floors 2 and above for buildings 3-stories and taller